

Sep 28, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESLEE FAYE PARISIAN,

Defendant.

No. 1:16-CR-02006-EFS-8

ORDER GRANTING
DEFENDANT’S MOTION TO
EXPEDITE AND GRANTING
DEFENDANT’S MOTION TO
REOPEN DETENTION HEARING

ECF Nos. 982, 983

On Wednesday, September 20, 2023, the Court conducted a hearing on Defendant’s Motion to Reopen Detention Hearing (ECF No. 982) and related Motion to Expedite (ECF No. 983). Defendant was represented by Assistant Federal Defender Paul Shelton. Assistant United States Attorney Michael Murphy represented the United States. With Defendant’s consent, Defendant appeared by video from American Behavioral Health Services (“ABHS”).

On July 21, 2023, Defendant waived the right to a detention hearing pursuant to Federal Rule of Criminal Procedure 32.1(a)(6), and the Court subsequently granted the United States’ Motion for Detention (ECF No. 964). ECF No. 966. However, Defendant later filed a Motion to Reopen Detention (ECF No. 977), and the Court granted her release to inpatient treatment on August 29,

2023. ECF No. 981. Now approaching successful completion of treatment, Defendant has filed a motion for this Court to grant her release to reside at a family residence approved by United States Probation/Pretrial Services. ECF No. 982. Neither the United States Attorney's Office, nor United States Probation/Pretrial Services Office have any objection to Defendant's release. *Id.*

“[Federal Rule of Criminal Procedure] 32.1(a)(6) governs release pending a hearing on a violation of probation or supervised release.” Fed. R. Crim. P. 46(d). Under that Rule, the Court may release or detain a defendant pursuant to 18 U.S.C. § 3143(a), pending further proceedings. Fed. R. Crim. P. 32.1(a)(6). Under that statute, such a defendant shall be detained unless “the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released” 18 U.S.C. § 3143(a)(1). This burden of clear and convincing evidence lies with the defendant. Fed. R. Crim. P. 32.1(a)(6); *see United States v. Loya*, 23 F.3d 1529, 1530 (9th Cir. 1994).

This Court has taken into account the nature and circumstances of conviction,¹ the weight of the evidence against the Defendant, as well as

¹ While 18 U.S.C. § 3143(a)(1) directs the Court to consider release conditions under 18 U.S.C. § 3142(c), this statute contemplates an offense charged, which is inapposite in the context of supervised release.

1 Defendant's history and characteristics, including character, physical and mental
2 condition, family ties, employment, financial resources, length of residence in the
3 community, community ties, past conduct and history relating to alcohol and drug
4 abuse, and also criminal history, record concerning appearance at court
5 proceedings, whether Defendant was under supervision at the time of the alleged
6 offense, and the nature and seriousness of the danger to the community posed by
7 Defendant's release.

8 Considering Defendant's pending completion of inpatient treatment and the
9 agreement of both the United States Probation/Pretrial Services Office and the
10 United States Attorney's Office with release, the Court finds that Defendant has
11 established by clear and convincing evidence conditions or a combination of
12 conditions of release that would reasonably assure Defendant will not flee.
13 Furthermore, Defendant has established by clear and convincing evidence
14 conditions or a combination of conditions of release that would mitigate the risk to
15 the safety of other persons or the community that Defendant poses.

16 Accordingly, **IT IS ORDERED:**

- 17 1. Defendant's Motion to Expedite (**ECF No. 983**) is **GRANTED**.
- 18 2. Defendant's Motion to Reopen Detention Hearing (**ECF No. 982**) is
- 19 **GRANTED**.
- 20

1 3. Defendant shall be released on previously imposed conditions of
2 supervised release pending the revocation hearing as directed by United States
3 Probation/Pretrial Services. Defendant shall further abide by all previous
4 conditions imposed under 18 U.S.C. § 3142(c), pursuant to this Court's authority
5 to grant pre-revocation hearing release under Federal Rule of Criminal Procedure
6 32.1(a)(6) and 18 U.S.C. § 3143(a)(1).

7 4. Defendant is bound over to Senior Judge Edward F. Shea for further
8 proceedings.

9 **IT IS SO ORDERED.**

10 DATED September 28, 2023.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE